THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.5051 of 2006

Dated: 21st August, 2006

Between:

T.V.Naidu & 15 others. **…..PETITIONER**

AND

The A.P.S.R.T.C. rep by its Managing Director, Musheerabad, Hyderabad & 2 others. **….RESPONDENTS**

THE HONOURABLE SRI JUSTICE
N.V.RAMANA

W.P.No.5051 of 2006

ORDER:

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This writ petition is filed seeking to declare the action of the respondents in not adding special grade/stagnation pay scale to all the petitioners' w.e.f the date of completion of 12 years service in the same category as illegal and arbitrary, and consequently to direct the respondents to add the stagnation increment to the petitioners on completion of 12 years of service irrespective of their transfer from the date of initial appointment and to pay the arrears by re-fixing the pay of all the petitioners forthwith.

The petitioners are the employees of A.P.S.R.T.C and have completed 12 years service in the same category. It is the case of the petitioners that they have completed 12 years service in the same category and they are entitled for stagnation increment but the respondents denied the same on the ground that they were transferred from another region and lost their seniority. It is the further case of the petitioners that the corporation has introduced the special grade scale for those who have completed 12 years of service and as per the circular an employee who has put in 12 years or more years of service in the same category shall be given special grade scales. It is the

further case of the petitioners that they approached the respondents on 12-5-2002 and again in the month of February 2003, but they were orally informed that they are not entitled for the said benefit, which is the subject matter of the writ petition.

It is submitted by the learned counsel for the petitioners and admitted to by the learned Standing Counsel for the respondents-APSRTC that the subject-matter of this writ petition is squarely by a Judgment in W.P.No.25715 of 2003 dated
11-12-2003 which was disposed of in terms of the Judgment of a Division Bench of this Court in Writ Appeal No.1301 of 2000 dated 29-10-2002. The Division Bench dismissed the above said Writ Appeal filed by the management challenging the judgment of a learned Single Judge holding that the promotion in the usual course is an ordinary event in the service life of an employee whereas the provision for stagnation increment is a special extraordinary measure granted by the management itself to mitigate the hardship experienced by such of those employees in the same category and such a benefit of stagnation increment cannot be denied simply because the petitioners at the time of transfer to the new divisions had agreed to forego their past service in the parent division in the matter of fixation of their seniority in the transferee division.

Since the facts of this case are squarely covered by the judgment of a learned Single Judge of this Court in W.P.No.25715 of 2002 dated 11-12-2003 which was disposed of in terms of a Judgment of a Division Bench of this Court in Writ Appeal No.1301 of 2000 dated 29-10-2002, following the said judgment, and for the reasons mentioned therein, this writ petition is disposed of in terms thereof. The respondents shall consider the cases of the petitioners for the

stagnation increment as they have completed 12 years service in the same category. No costs.

N.V. RAMANA, J.

Dated: 21st August, 2006.
grk